

DECLARATION AND POWER OF ATTORNEY
REISSUE PATENT APPLICATION

As the below named inventor, I hereby declare that my citizenship, residence postal address and residence are as stated below; that I verily believe myself to be the original, first and sole inventor of the invention entitled:

VACUUM PROCESSING APPARATUS

the specification of which is attached hereto and includes original U.S. Patent No. 5,245,736, issued September 21, 1993, and amendments thereto as required by 37 C.F.R. § 1.171 et seq.

I verily believe that the original U.S. Patent No. 5,245,736 is partly inoperative by reason of the fact that I claimed both more and less than I had a right to claim in the patent as specified hereinafter. In particular, Claims 1 and 16 were insufficient because they did not recite independent movement of the conveyors relative to the drive shaft. However, Claims 1 and 16 also contained unnecessary limitations in reciting that the at least two openings are provided for at least one of treating and handling at least one workpiece thereat, in reciting that the at least two conveyors are arranged at the transport device and in reciting that the transport arm for each conveyor projects from the drive shaft. In addition, Claim 1 also contains formal errors which are correctable by eliminating the colon in line 2, adding --and-- in the fifth line, changing "comprising" to --having-- in the sixth line, eliminating redundant language in the form of ", said transport device comprising" in the tenth and eleventh lines and substituting --and-- therefor, and inserting --drive-- between "said" and "shaft" in the fourteenth line. Likewise, Claim 16 contains formal errors which are correctable by deleting "said transport device further comprising" in the eighth line and adding --, and-- thereafter, eliminating redundant language in the form of ", said arms" and substituting --and-- therefor, and inserting --drive-- between "said" and "shaft" in the eleventh line. Claims 30 through 33 have been added to more comprehensively cover a combination of elements comprising the vacuum chamber. That is, Claim 30 defines at least two holders, at least two displacement drives and the relationship of the holders and displacement drives relative to a rotatable transport arrangement, Claim 31 defines an apparatus which do not require the displacement drives to be coupled to the transport arrangement but does require independently operable drives having a radial movement component. Claim 32 defines a linear drive for each of the conveyors, and Claim 33 defines a rotatable transport arrangement which carries one member for holding a workpiece, and a sealed displacement drive between the transport mechanism and the member. Claim 34 has been added to define the novel and unobvious workpiece processing method described in the Specification in connection with a vacuum chamber and at least two independently movable conveyors.

The assignee of this patent recently discovered the errors in Claims 1 and 16 and the need for additional claims upon reviewing the patent in relation to competitive devices and a reference, namely German Offenlegungsschrift 2529018, whose relevance to the claimed subject matter was only recognized after issuance of this patent. The errors were made without deceptive intention and arose from the unfamiliarity of assignee's counsel with the relevance of said German reference in relation to the original Claims 1 and 16, as well as the competitive devices, and upon further review of claim format after reviewing the necessity to seek reissue of the original claims.

I offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application. ✓

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a). ✓

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed		
<u>4117969</u> (Number)	<u>Germany</u> (Country)	<u>31 May 1991</u> (Day/Month/Year)	<u>Yes</u>
_____	_____	_____	_____
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year)</u>	_____

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

ATTORNEY DOCKET NO.: 622/40901RE
PATENT - REISSUE DECLARATION
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888,111
(Application
Serial No.)

May 26, 1992
(Filing Date)

U.S.P. 5,245,736
for which this is
reissue appln.
(patented 9/21/93).

I hereby appoint as principal attorneys:

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Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169, and Corinne M. Pouliquen, Reg. No. 35,753, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

Evenson, McKeown, Edwards & Lenahan
1200 G Street, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 628-8800
Facsimile: (202) 628-8844

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INVENTOR:
Citizenship:
Postal Address/Residence:

95/091/14
Date

¹⁻⁰⁰
Roman Schertler
Austria
Lorenz Schertlerstrasse 18
6982 Wulfurt, Austria

Roman Schertler
Signature

ASSIGNEE'S CONSENT

Balzers Aktiengesellschaft, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,245,736, hereby assents to the filing of the attached application for reissue of said patent in accordance with 37 C.F.R. §1.172.

Balzers Aktiengesellschaft
ppa. i.V.

Balzers 95/091/14

By:

U. Wegmann

D. Dubois-d.B.

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ATTORNEY DOCKET NO.: 622/40901RE
PATENT

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date?

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